

THIS IS A DRAFT

State of Oregon

BOARD OF BOILER RULES

Regular Meeting Minutes June 8, 2004

MEMBERS PRESENT: Dale McLouth, Chairman
John Endicott, Vice-Chairman
Dennis Coplin
William Fernelius
Thomas Perritt
Monty Redfearn
Fred Widman
Russell Williams

MEMBERS ABSENT: Robert Cowling
Steve Nelson
John Pyle

STAFF PRESENT: Mark Long, Administrator of Building Codes Division
Andrea Simmons, Manager of Policy and Technical Services
Ray Andrus, Chief Boiler Inspector & Board Secretary
Dan McNally, Interim Statewide Services Manager
Roseanne Nelson, Senior Enforcement Officer
Allen Aschim, Enforcement Officer
Clay Rhodes, Assistant Chief Boiler Inspector
Dennis Logan, Fiscal Manager
Richard Baumann, Policy Analyst
Heather Gravelle, Administrative Assistant
Debi Barnes-Woods, Division Boards Coordinator

GUESTS PRESENT: Tom Lindberg, A&V Code Consulting, Inc.
Rodger Vignery, A&V Code Consulting, Inc., President
Michael Jurkiewicz, Local 290
Mark Stenberg, Local 290
Tom Stevens, TSBR Inc.

I. BOARD BUSINESS

I.A. Call to Order

Chairman Dale McLouth called the Oregon Board of Boiler Rules to order at 9:30 a.m. The meeting was held at the Building Codes Division, 1535 Edgewater NW, Salem, Oregon.

New board member Monty Redfearn, briefed the board on his background.

I.B. Roll Call

Robert Cowling and John Pyle were absent, excused. Steve Nelson was absent, not excused.

- I.C. Approval of Agenda and Order of Business**
Chairman McLouth **RULED** the agenda approved as submitted.
- I.D. Approval of the Regular Board Meeting Minutes of March 2, 2004.**
Chairman McLouth **RULED** the regular meeting minutes approved as mailed.
- I.E. Date of the Next Regularly Scheduled Meeting**
September 14, 2004.
- II. PUBLIC COMMENT**
- Jerry Witt, Oregon Health and Science University (OHSU)** asked about the new operator licensing requirements and how the low-pressure vessel boiler will be separated from the high-pressure vessel boiler with CSD-1 through 8501 when it comes to combustion controls safety? Ray Andrus, Chief Boiler Inspector, said there is no separation and code requirements should be followed. The division adopts CSD-1 up to 12,500 thousand BTU's, any boiler larger in size is NFPA-85.
- Curt Lundine, Curt Lundine Consulting** is concerned that individuals living outside Oregon are not able to obtain their continuing education requirements. He suggested that the board consider correspondence courses as a means of completing the requirement. The item was referred to the continuing education task force for review.
- Tom Lindberg, A&V Code Consulting, Inc**, addressed the lack of a rule specifically for hardship cases related to boiler continuing education, and discussed the possibility of the board approving an extension for licensures in the military. Further discussion took place under Item III.C.3.
- Pete Schriener, Manager of Kinetic Systems**, suggested a list be developed of special process pipe inspectors for the owner/users and their requirements. Chief Andrus said a list has been developed and will be included on the division's web page.
- III. REPORTS**
- A.1. Repeat Violator Wescold, Inc.,** Enforcement Officer, Allen Aschim presented the case. The company was cited for working without permits and a boiler business license.
- The company is entering into a consent order, and has paid all penalties. The division recommended approval of the consent order.
- MOTION by Tom Perritt** to adopt division recommendation for approval of the consent order for Wescold, Inc.
MOTION CARRIED UNANIMOUSLY
- B. Summary of compliance actions previously taken by the division for cases III.B.1 through 4. (No board action required)**
These cases have been reviewed and approved by the Boiler Compliance Sub-Committee and were signed by the division.

Vice-Chairman Endicott, questioned a previous boiler in the Eagle Point School District that the division was investigating. The division is currently preparing a response, and will forward the information to the board when complete.

C. Staff Report

1. BCD update

Legislative concepts. Mark Long, Administrator of Building Codes Division, spoke about the division's two legislative concepts. The first concept focuses on developing clear consistent licensing and enforcement guidelines across all program areas. The second concept would provide greater flexibility in the elevator program allowing the division to assess the need for inspections. Statute currently requires an annual inspection for all types of elevators. Due to a 3 to 5 percent increase for installation of new elevators, the division will be asking for a legislative change in the inspection requirements. Smaller elevators may not need annual inspections and larger elevators may need inspections more frequently.

New boards. The 2003 Legislature created two new advisory boards, the Mechanical Board, Residential Structures Board, and modified the Building Codes Structures Board. Statute allows the Building Codes Structures Board to continue its responsibilities for mechanical issues until that board has confirmation of executive appointments. The Building Codes Structures Board and the Residential Structures Board are fully staffed.

Enforcement and the new "ticket book." The division, along with NECA, IEC and IBEW Local 280, developed a new citation ticket book and process that streamline and enhance enforcement efforts. This pilot program will result in a uniform method of enforcement across program areas.

Roseanne Nelson, Senior Enforcement Officer, assured the board the penalty matrix would not change by instituting the pilot. The only change that will occur is how the tickets are issued.

Permits Protect! Administrator Long distributed copies of, *Exhibit "A,"* a list of organizations that are sponsoring radio ads for Permits Protect. The division's public outreach program promotes the safety and value aspects of buying permits and the wisdom of hiring licensed contractors. For each \$500 in sponsorship, a sponsor receives one weekend of airtime (22 spots). The stations to air spots are; KXL AM 750, KEX AM 1190, KPAM AM 860 and KZTU AM 660. Organizations are welcome to purchase airtime and should call Joanie Stevens-Schwenger in the Tri-County office, 503-872-6731 to sign up. www.permitsprotect.info

E-permitting. *Exhibit "B,"* describing Oregon Coalition for Electronic Permitting, was distributed to members. The division is creating a statewide one-stop electronic permitting system for the construction industry. The need to streamline the construction permitting and inspection process is a constant issue within the business community.

This e-permitting system would help get the economy back on track.

Regulatory streamlining. *Exhibit "C,"* was distributed concerning the regulatory streamlining initiative. Administrator Long asked board members to review the document, which explains when rulemaking is required.

Update on electronic licensing system. The division has signed a contract to update the licensing system. Special features include the ability to obtain some licenses electronically.

Appointment of assistant chief. The appointment of the Assistant Boiler Chief, Clay Rhoades was announced and Dan McNally was also introduced as the Interim Manager of Statewide Services.

Visible licensing. The new rule for visible identification badge, OAR 918-030-0200 goes into effect July 1, 2004. A draft copy of the flyer, *Exhibit "D,"* was distributed. Members discussed the idea of printing contact numbers for the division on the backside of licenses to report safety violations.

Board meetings. Chairman McLouth questioned why BCD suggested canceling this board meeting.

Administrator Long noted that the division suggests to, or cancels board meetings when the agenda is light, there are no administrative rules to approve or when there are no new or unfinished items to address in order to save staff time and reduce costs for the division and attendees.

Chairman McLouth stated that the board is committed to safety and is dedicated to the industry. He stated he did not understand canceling a meeting when the board has work to do.

Administrator Long stated that because there was a relatively light agenda, there was thought given to canceling the meeting, but through discussions of staff and the board chair, it was determined that there was enough subject matter to have a meeting. BCD is asking all boards to consolidate meetings when possible to increase efficiency.

Administrator Long emphasized that this discussion was about the role of BCD and boards. Boards are advisory and each one has a different decision-making authority. The Board of Boiler Rules has a higher level of authority than most boards. Boards advise BCD on decisions, and make decisions in some cases.

Administrator Long stated that BCD is responsible to get things done necessary to administer the codes and it is the board's responsibility to advise the division on doing so.

Several items on the agenda were taken out of order so that discussion could occur during the Administrator's report. Copies of, *Exhibit "E,"* a list of uncompleted and ongoing projects concerning the boiler program, were distributed. The board felt some items were longstanding and unresolved.

Item No. 1 Boiler safety improvements. (Item III.C.5. on the Agenda) A task force was formed to review areas of concern. Documents were developed for minimum boiler operator standards and minimum maintenance standards. Those standards are already included in the ASME code sections 6, 7 and CSD1. Because those sections are inclusive in the adopted code, it was suggested that the documents the task force developed be reviewed and updated to be guidelines for boiler owners. In conjunction with ASME code sections 6, 7 and CSD1, Part CM – Testing and Maintenance of the CSD1 of the adopted code, *Exhibit "F,"* was distributed. This code section stated that boiler logs and a maintenance program for every boiler is required and adopted by code. The task force will reconvene to discuss the suggestions bringing the Administrator up-to-date on past meetings and including him in the meeting to be scheduled.

Item No. 2 Enforcement cases. This ongoing task force meets prior to a board meeting to discuss cases that the enforcement section will be presenting at meetings.

Item No. 3 Continuing education. Administrator Long agreed that the board was headed in the right direction. He suggested that the board review continuing education programs in other program areas in order to create a process that is consistent. Concerns were also expressed for licensed individuals in the military who would not be able to complete required continuing education. Andrea Simmons, Manager of Policy and Technical Services will call the committee together to review the issue.

Item No. 4 Overdue inspections. (Item III.C.7. on the Agenda) *Exhibit "G"* was distributed. The division is focusing on inspecting unsafe boilers first.

Item No. 5 Consolidated licensing. (Item III.C.4. on the Agenda) Manager Simmons said the program is ready to begin July 1, 2004. Chairman McLouth suggested a final report be given at the next meeting.

Operational issues for all program areas should be consistent with one another. In order to accomplish this task, Vice-Chairman John Endicott suggested a meeting take place with all Boards Chairmen and Vice-Chairmen. Administrator Long agreed and suggested a meeting occur before the first of the year.

Item No. 6 Test question validation, and **Item No. 7** Equivalent experience. Both are operational issues and should be discussed with other program areas that have processes in place.

2. Report on violations found during inspections in 2003.

The incorrect report was included in the board packet. The correct report will be e-mailed to all members and interested individuals.

3. B31 code enforcement update.

The required inspectors' quarterly reporting form will be available on the web for an electronic submission. John Endicott, representing Local 290, offered assistance with any training issues relating to continuing education.

6. Progress report on Industrial Training Unlimited's web based continuing education program.

Jonathan Graves, Industrial Training Unlimited, reported problems with the web developer not following through with assigned tasks. The web site is not complete. The board approved a one-year trial period, which expires June 30, 2004.

Because the Board of Boiler Rules continuing education is a new requirement, the only means of obtaining continuing education has been to attend a class. As the Administrator said in his report, alternate methods of obtaining the required credits should be reviewed.

Andrea Simmons, Manager of Policy and Technical Services, clarified the approval process for continuing education providers and curriculum. Any provider may apply to provide continuing education through the Chief Boiler Inspector. A continuing education committee helps the Chief review training programs and proposals. The board is kept up-to-date on the providers approved by the Chief and the committee.

8. Report on the disposition of payments of five compliance cases.

Chief Andrus said he would spot check the disposition of payments for enforcement cases. It is not necessary to follow-up on all cases because the division has a civil penalty collection protocol in place. That protocol was included in the board packet.

9. UA welding program update.

The division has reviewed the program and recognizes the UA Local 290 Weld Shop as a "Technically Competent Group" for providing weld testing. The recognition will remain in effect as long as the program continues to be reviewed by a third party accredited Authorized Inspection Agency on a triennial basis.

IV. COMMUNICATIONS - None

V. APPEALS - None

VI. UNFINISHED BUSINESS - None

VII. NEW BUSINESS

Board appointment of Code Review Committee.

Manager Simmons asked for volunteers from the board and interested individuals to participate in a committee to review the 2004 Edition of the ASME Code and the 2004 National Board Inspection Code for a 2004 effective date.

MOTION by Chairman McLouth to support the division in appointing a Code Review Committee.

MOTION CARRIED UNANIMOUSLY

Monty Redfearn, board member; Dennis Coplin, board member; Fred Widman, board member; Rodger Vignery, A&V Code Consulting Inc; Michael Jurkiewicz, UA Local 290 Weld Shop Forman; Curt Lundine, Curt Lundine Consulting; and Dale McLouth, Chairman of the Board of Boiler Rules volunteered. The division will review committee membership to ensure that all areas of industry are represented. The division will review final appointments with the Chairman.

In an effort to help the state's economy, one year ago the Board of Boiler Rules decided to suspend filing any expense forms or per diem payments. The Board Chairman is now leaving that decision up to each member.

IX. ADJOURNMENT

Chairman Dale McLouth adjourned the meeting at 1:00 p.m.

Respectfully submitted,
Debi Barnes-Woods
Division Boards Coordinator/Recorder

Exhibits:

- A. A list of organizations that are sponsoring radio ads for Permits Protect, ***Agenda Item III.C.1.***
- B. Oregon Coalition for Electronic Permitting, ***Agenda Item III.C.1.***
- C. Regulatory streamlining initiative, ***Agenda Item III.C.1.***
- D. New rule for visible identification badge, OAR 918-030-0200 goes into effect July 1, 2004, ***Agenda Item III.C.1.***
- E. A list of uncompleted and ongoing projects concerning the boiler program, ***Agenda Item III.C.1.***
- F. ASME code sections 6, 7 and CSD1, Part CM – Testing and Maintenance of the CSD1 of the adopted code, ***Agenda Item III.C.1.***
- G. Overdue inspections, ***Agenda Item III.C.1. Item No. 4.***

**TO OBTAIN COPIES OF EXHIBITS, A PUBLIC RECORD REQUEST MUST BE COMPLETED BY
CLICKING ON THE LINK PROVIDED.**

<http://www.cbs.state.or.us/external/bcd/pdf/2568.pdf>